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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,856	08/09/2006	Kari Laitinen	060258-0356508	2019

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Barnes & Thornburg LLP
Suite 900
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Washington, DC 20006-4675

EXAMINER

PATEL, VISHAL A

ART UNIT	PAPER NUMBER
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3676

MAIL DATE	DELIVERY MODE
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03/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,856	Applicant(s) LAITINEN, KARI	
	Examiner Vishal Patel	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/9/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Abstract has "and/or", it is unclear what applicant means by this.

Specification

1. The disclosure is objected to because of the following informalities:

Paragraph 0001, line 2, "claim 1", this should be replaced by what claim 1 represents.

Paragraph 0006, line 2 also has "claim 1", this should be replaced by what claim 1 represents.

Paragraph

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 4, 9 and 16, "and/or", unclear what applicant means by this. This error also occurs in claim 7.

Claim 9, "a second insertion part", is this one of the insertion parts mentioned in claims 1? For examination purpose in claim 1, line 13, "an insertion part", this is the same as the one mentioned in claim 9

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamasaki et al (US. 6,357,753).

Yamasaki discloses an arrangement in a mechanical shaft seal comprising at least one a first sliding surface part (e.g. 35) rotating with a shaft (e.g. 2) in relation to a frame (e.g. 1), at least one a second sliding surface part (e.g. 22) fastened to the frame and/or to a separate frame part (e.g. 13) that is non-rotatable in relation thereto, the first sliding surface part and the second sliding surface part are provided with sliding surfaces pressed against one another, a first additional part (e.g. 40) arranged to connect the first sliding surface part to the shaft and/or an

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insertion part (e.g. 39) fastened to the shaft and rotating therewith in order to transfer the rotating motion from the shaft to the first sliding surface part, a second additional part (e.g. 21) arranged to connect the second sliding surface part to the frame or at least to one insertion part (e.g. 10) connected to the frame in order to prevent the rotation of the second sliding surface part in relation to the frame, at least one of the first additional part arranged to transfer the rotation torque of the shaft and/or the second additional part receiving torque is a super elastic memory metal element (e.g. 21 is made of super elastic memory metal which is titanium)

Regarding claims 2-9: All the first and second additional parts are memory metal elements (e.g. members are made of stainless steel or other alloys). All the first and second additional parts are pins (e.g. 24 and 45). All the first and second additional parts are threaded pins (e.g. 38). All of the first and second additional parts are plates (e.g. 40 and 21). All the first and second additional parts are rings (e.g. 40 and 21). The first and second additional parts are machining features of the first sliding surface part and/or second sliding surface part (end surfaces of the first and second sliding surface part). The arrangement also comprises at least one spring (e.g. 9). The second insertion part movably fastened in the longitudinal direction of the shaft to the frame, which is connected to the second sliding surface part that is non rotatable in relation to the frame and which is pressed using the spring against the second sliding surface part, the sliding surface thereof of the spring being further pressed against the sliding surface of the first sliding surface part that is rotatable in relation to the frame (figures).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All claims can be rejection by AAPA in view of Yamasaki or Donley or Janocko.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./
Primary Examiner, Art Unit 3676

/Vishal Patel/
Primary Examiner, Art Unit 3676